

ORDINANCE No. 118415

INDEXED

Law Department

COUNCIL BILL No. 111518

The City of Seattle--Legisla

AN ORDINANCE relating to land use and zoning, amending Sections 23.60.198, 23.60.544 and 23.60.600 of the Shoreline District Chapter of the Land Use Code (Title 23).

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the _____ within Council Bill No. _____
report that we have considered the same and respectfully recommend that the

BE'D to pass as amended

Full Council vote 8-0

COMPTROLLER FILE No.

Introduced: OCT 21 1996	By: DRAGO
Referred: OCT 21 1996	To: Business, Economic & Community Development Committee
Referred:	To:
Referred:	To:
Reported: NOV 25 1996	Second Reading: NOV 25 1996
Third Reading: NOV 25 1996	Signed: NOV 25 1996
Presented to Mayor: NOV 26 1996	Approved: DEC 3 1996
Returned to City Clerk: DEC 3 1996	Published: <i>Full 4 pp.</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

US5047

SMEAD 45 YSP 17703

INDEXED

Law Department

The City of Seattle--Legislative Department

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District

OK

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on

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report that we have considered the same and respectfully recommend that the same:

Be A To pass as amended 3-0

Full Council vote 8-0

Committee Chair

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McCabe

ORDINANCE 118415

AN ORDINANCE relating to land use and zoning, amending Sections 23.60.198, 23.60.544 and 23.60.666 of the Shoreline District Chapter of the Land Use Code (Title 23). NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection B of Section 23.60.198 of the Seattle Municipal Code (SMC), which Section was adopted by Ordinance 113466, is amended as follows:

23.60.198 Residences other than floating homes.

B. 1. Residences on waterfront lots shall not be located further waterward than adjacent residences. If a required setback exceeds seventy-five feet (75') from the line of ordinary high water, the Director may reduce the setback to no less than seventy-five feet (75') if it does not adversely impact the shoreline environment and if views of the shoreline from adjacent existing residences are not blocked. If there are no other residences within one-hundred feet (100'), residences shall be located at least twenty-five feet (25') back from the line of ordinary high water.

2. Fences, freestanding walls, bulkheads and other structures normally accessory to residences may be located in the residential setback if views of the shoreline from ((ef) adjacent existing residences((ts)) are not ((obscured)) blocked. The Director shall determine the permitted height of the accessory structure.

Section 2. Section 23.60.544 of the SMC, which was last amended by Ordinance 113764, is hereby amended to correct the printed Section number as follows:

((20.60.544))23.60.544 Prohibited uses on waterfront lots in the UR Environment

Section 3. Subsection B of Section 23.60.666 of the SMC, which Section was adopted by Ordinance 113466, is hereby amended as follows:

23.60.666 Council conditional uses permitted on waterfront lots--Water-dependent incentive.

B. The following development standards shall be used as criteria in evaluating projects which include a major water-dependent use:

1. The project may be located in any area of a Downtown Harborfront 1 zone except the Historic Character Area established by Section 23.60.704.

2. Siting of project components shall be designed to facilitate the operation of the water-dependent component(s). Views from Alaskan Way of activity over water and the harbor itself are encouraged, and the frontage of the project on Alaskan Way should contribute to an interesting and inviting pedestrian environment.

3. The area of the project shall be adequate to accommodate the operations of a major water-dependent use suited to a downtown harbor area location.

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1 a. Area. A minimum of twenty thousand (20,000) square feet or
2 square footage equivalent to twenty percent (20%) of the developed lot area, whichever is
3 greater, shall be dedicated to water-dependent use.

4
5 b. Moorage. The moorage required by Section 23.60.((698))700
6 shall not be calculated as part of the major water-dependent use. Moorage provided in
7 excess of the requirement shall be credited as part of the minimum square footage
8 requirement for water-dependent use.

9
10 c. Lot coverage. An increase in the base lot coverage from fifty
11 percent (50%) to a maximum of sixty-five percent (65%) may be permitted by the Council.
12 Structures excluding floats permitted by Section 23.60.694 C, shall not occupy more than
13 sixty-five percent (65%) of the submerged land and sixty-five percent (65%) of the dry land
14 of any lot. To exceed the base lot coverage, development shall be modified to accomplish
15 the following objectives:

16
17 (1) Prevent building bulk from being concentrated along
18 the Alaskan Way frontage of the lot;

19
20 (2) Promote an overall massing of the pier superstructure
21 to reflect some of the qualities of traditional pier development;

22
23 (3) Site view corridors and public access areas to reduce
24 the appearance of building bulk over water; and

25
26 (4) Ensure coverage configuration that permits the water
27 abutting the Alaskan Way seawall to be visible so that the seawall will be perceived as the
28 edge of the water.

29
30 4. Height. The Council may permit increases in building height up to
31 sixty (60) or seventy-five feet (75') above Alaskan Way in the areas shown on Exhibit
32 23.60.666. (((See Exhibit 23.60.666.))) Structure heights of seventy-five feet (75') shall be
33 permitted only on dry-land portions of a lot located inside the Inner Harbor Line. Portions of
34 the structures that are above forty-five feet (45'), as measured from Alaskan Way, shall not
35 occupy more than forty percent (40%) of the submerged land and forty percent (40%) of the
36 dry land of the lot. Heights above forty-five feet (45') shall not be permitted within one
37 hundred feet (100') of the Outer Harbor Line. To exceed forty-five feet (45'), the
38 development should accomplish the following objectives:

39
40 a. Maintain views from upland public spaces and rights-of-way;

41
42 b. Ensure structure heights that provide a transition to the lower
43 pier structures in the Historic Character Area;

44
45 c. Maintain a structure height along Alaskan Way frontage that is
46 consistent with existing pier development, maximizes solar access to Alaskan Way and
47 establishes a scale of development in keeping with the pedestrian character; and

48
49 d. Provide a transition in height and scale between the waterfront
50 and abutting upland development.

51
52 5. Public Access. Public access shall be required according to the
53 following guidelines to ensure access to the water and marine activity without conflicting

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1 with the operation of water dependent uses:

2
3 a. Public access shall be provided approximately equivalent to
4 fifteen percent (15%) of the lot coverage or five thousand (5,000) square feet, whichever is
5 greater, except as provided in subsection b3 below.

6
7 b. Area designated for public access shall be subject to the
8 following conditions:

9
10 (1) Where the water-dependent use will benefit from or is
11 compatible with public access, such as passenger terminals, ferry operations and tour boats,
12 the access shall be provided in conjunction with the water-dependent use;

13
14 (2) Where public access would conflict with the operations
15 of the water-dependent use, access requirements may be met on alternative portions of the
16 lot;

17
18 (3) Where the entire lot is to be occupied by a water-
19 dependent use, the Council may permit a partial waiver of the public access requirement;

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21 (4) To qualify as public access, an area shall be directly
22 accessible from Alaskan Way and clearly related to public open spaces. Efforts should also
23 be made to physically and visually link public access areas over water with the east/west
24 streets providing links to upland areas;

25
26 (5) The public access area shall provide the public with
27 visual and physical access to the shoreline area. Preference shall be given to perimeter
28 access on over-water structures providing maximum exposure to the bay and surrounding
29 activity;

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31 (6) Interpretive features such as displays or special
32 viewing equipment shall be incorporated in public access areas. Maritime museum space
33 which is fully enclosed will not count as public access space;

34
35 (7) Up to fifty percent (50%) of the total public access area
36 may be covered, provided that at least fifty percent (50%) of the perimeter of any covered
37 area is open to views of the water;

38
39 (8) A portion of the required public access area, not to
40 exceed fifty percent (50%), may be provided at an elevation exceeding two feet (2') above or
41 below the grade of Alaskan Way. The area must be open to views of the water along at least
42 fifty percent (50%) of the perimeter, be easily identifiable as public space and be fully
43 accessible to the public.

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45 6. View Corridors. View corridors shall be provided equivalent to thirty
46 percent (30%) of the street frontage of the lot. The following conditions for view corridors
47 shall be met:

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49 View corridors shall allow views of the water from the street.
50 View corridors shall maintain and enhance pedestrian views from Alaskan Way along
51 traditional view corridors established by submerged street rights-of-way, as well as views
52 from upland areas along east/west rights-of-way. View corridors shall provide views past
53 pier development out into the open water of Elliott Bay and to the Olympic Mountains

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where possible;

b. View corridors shall maximize opportunities for views of the bay and waterfront activity along Alaskan Way to enhance public open space and public access areas;

c. View corridors through a development site shall be encouraged to assist in relieving the overall sense of bulk of development over water; and

d. Overhead weather protection, arcades or other architectural features may extend into the view corridor only if they do not obstruct views from pedestrian areas at Alaskan Way or on upland streets.

Section 4. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 5. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Department of Ecology; or thirty (30) days from and after passage and approval if approved by the Mayor, or, if not approved, at the time it shall have become a law under the provisions of the City Charter.

Passed by the City Council the 25 day of November, 1996, and signed by me in open session in authentication of its passage this 25 day of November, 1996.

[Signature]
President of the City Council

Approved by me this 3 day of December, 1996.

[Signature]
Norman B. Rice, Mayor

Filed by me this 3 day of December, 1996.

[Signature]
Clerk

(S L)

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19 of: the effective date of approval and adoption by the Department of Ecology; or thirty (30)
20 days from and after passage and approval if approved by the Mayor, or, if not approved, at
21 the time it shall have become a law under the provisions of the City Charter.

22
23 Passed by the City Council the ____ day of ____, 1996, and signed by me
24 in open session in authentication of its passage this ____ day of ____,
25 1996.

26
27 _____
28 President of the City Council

29 Approved by me this ____ day of ____, 1996.

30
31 _____
32 Norman B. Rice, Mayor

33
34
35 Filed by me this ____ day of ____, 1996.

36
37 _____
38 Clerk

39
40 (SEAL)
41

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DEPARTMENT OF CONSTRUCTION AND LAND USE
MEMORANDUM

118415
CITY CLERK
AUG 14, PM 4:34

TO: Margaret Carter, City Clerk's Office
FROM: Ken Davis, DCLU Code Development *Ken*
DATE: August 14, 1997
SUBJECT: Past Shoreline Approvals from State Department of Ecology

I went through our legislative files and found eight ordinances that amended the Seattle Shoreline Master Program (SSMP) over the past 10 years. I then made a copy of each official approval letter from the Department of Ecology (Ecology) and noted (in red ink) on each letter the ordinance number or numbers it applies to. These letters are attached for your records.

I have modified our procedures so that in the future you will receive a copy of Ecology's official letter once they approve or disapprove amendments to the SSMP.

If you have any questions, please call me at 233-3884.

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STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

March 7, 1997

Mr. Nathan Torgelson
City of Seattle
Department of Construction and Land Use
710 Second Avenue, Suite 200
Seattle, WA 98104-1703

Dear Mr. Torgelson:

It is my pleasure to inform you that the Department of Ecology (Ecology) has approved the City of Seattle's proposed Shoreline Master Program amendment as submitted. The amendment has been determined to be consistent with chapter 90.58 RCW and its implementing regulations. The amendment is effective as of the date of this letter. Enclosed is a copy of the Findings and Conclusions.

As a reminder, please be advised that you are required to give public notice as stated in WAC 173-26-120. Public notice will initiate the appeal period which lasts sixty days. Easily incorporated amended text is also required to be forwarded to Ecology. Should you have any questions please contact Bob Fritzen at (206) 649-7274. Thank you.

Sincerely,

cm
Tom Fitzsimmons
Director

TF:RF:sa
Enclosure

cc: Task Force/Interested Parties

Approving Ord. # 118415

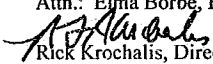
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Seattle
Department of Construction and Land Use



R. F. Krochalis, Director
Norman B. Rice, Mayor

MEMORANDUM

TO: Jan Drago, City Council President
VIA: Tom Tierney, Director, OMP
Attn.: Elma Borbe, Budget Analyst
FROM: 
Rick Krochalis, Director
DATE: October 7, 1996
SUBJECT: Land Use Code Omnibus Ordinance

TRANSMITTAL

With this memorandum we are transmitting for City Council consideration a proposed ordinance to adopt numerous text amendments to the Land Use Code and to the Seattle State Environmental Policy Act (SEPA) Ordinance.

BACKGROUND AND SUMMARY OF RECOMMENDATIONS

For many years DCLU has had to defer a substantial number of amendments to the Land Use Code due to other priorities. Many deferred amendments are relatively minor, but are important to those whose property they affect, or to citizens and staff who must often interpret unclear or redundant code provisions. This legislation is referred to as the omnibus amendment package because of the many disparate items it includes.

These amendments are the forerunner of a twice a year maintenance cycle we intend to pursue in the future. This process is also consistent with Resolution 29316 adopted by the City Council on March 18, 1996, in which the Council directed DCLU to establish an on-going process for code maintenance and consideration of further regulatory reform measures.

Generally, amendments in the current package fall into two categories. First, there are those "clean-up" amendments which correct inadvertent clerical or typographical errors, incorrect cross-references, clarify existing code provisions and the like. The second type of amendments are proposed to address substantive regulatory reform issues but their nature and/or breadth of application did not warrant an individual amendment process. The need for the proposed amendments were identified by citizens, elected officials and City staff.

An equal employment opportunity - affirmative action employer
Seattle Department of Construction and Land Use, 740 - 2nd Avenue, Ste. 200, Seattle, WA 98104-1703
DCLU complies with the Americans with Disabilities Act. Accommodations for people with disabilities provided on request.

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A public review draft was published on July 25, 1996, and citizens had until September 5 to comment. A number of comment letters were received in support of the proposed shoreline setback and bed and breakfast amendments. One citizen expressed concerns about allowing common roof decks in L3 and L4 zones. Two letters were received about allowing additional non-ground related units within existing structures in L1 zones, one in support of the amendment and another expressing concerns. A community council commented that the proposed increase of height limits for gymnasiums and auditoriums and the removal of height limits for hotel signs in the downtown area should be considered as separate amendments and pulled from the omnibus amendment.

The Mayor's Final Recommendation includes the following substantive amendments:

- shoreline setbacks for residential properties
- covered unenclosed decks or roofs over patios in rear yards
- terraced garages in single family zones
- bed and breakfasts in single family zones
- height allowed for auditoriums and gymnasiums accessory to institutions
- arbors, trellis' and fences in required setbacks in lowrise, midrise and highrise zones
- addition of non-ground related units in existing structures in L1 zones
- allowing rooftop decks in L3 and L4 zones
- mixed use development standards
- pedestrian access easements
- exceptions to alley requirements in all zones
- alley improvements for small scale development
- no protest agreements
- the height of signs for hotels and public buildings in the downtown zones
- definition of bay windows
- inserting the Alki Area Parking Overlay map into the Land Use Code and the Seattle SEPA Ordinance

SEPA

DCLU has completed environmental review and issued a Determination of Non-Significance (no environmental impact statement required) on July 15, 1996. No appeals of the determination were filed during the appeal period which ended on August 9, 1996.

COSTS OF IMPLEMENTATION

The costs of implementing the proposed text amendments will be primarily for staff training and codification of the amendments. One staff person will provide training at three regularly scheduled staff meetings. Costs of training, including copying, training time and preparation would be approximately \$574. The cost of copying the ordinance for DCLU staff will be approximately \$440. Printing new Land Use Code pages by the Book Publishing company will cost approximately \$468. The total cost for code publication and purchase is approximately \$908. Implementation costs for training, code publication and purchase will total approximately \$1,482.

A number of the proposed amendments can save applicants time and money and will provide the opportunity for more affordable housing due to increased development flexibility. These two goals are consistent with the spirit and intent of regulatory reform. Both the proposed changes to

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the width of pedestrian easements and the proposal to allow additional non ground related units within existing structures in L1 zones could encourage additional infill development and affordable housing opportunities. Allowing additional height for auditoriums and gymnasiums accessory to institutions and allowing reduced shoreline setbacks in certain circumstances will reduce permitting times and costs for applicants by eliminating the need for waivers and variances. The proposed amendments to eliminate the no-protest agreement and to allow alley improvement waivers for one or two dwelling unit developments will reduce costs and time for applicants. Finally, many of the proposed amendments are for clarification purposes, but may also save applicants time in terms of understanding the regulations. Internally, the recommendations are anticipated to save DCLU staff time and money by clarifying and streamlining a number of regulations in the Land Use Code.

If you have any questions about the recommended changes, please call Nathan Torgelson at 233-3885.

attachments

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City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Construction and Land Use

SUBJECT: AN ORDINANCE relating to land use and zoning, amending Sections 23.60.198, 23.60.544 and 23.60.666 of the Shoreline District Chapter of the Land Use Code (Title 23). NOW THEREFORE,

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Elma Borbe at 684-8687.

Sincerely,

Norman B. Rice
Mayor

by

Elma Borbe for
TOM TIERNEY
Director

h:\admin\legis\law\lrs\borbe5

Enclosure

96-344



OK 10/14/96
MK

COPY RECEIVED
96 OCT -7 AM 4:26
CITY ATTORNEY

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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TIM _____ ND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

San Diego

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

C. S. 20.28

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

75263
City of Seattle, City Clerk

—SS.

No. ORDINANCE IN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118415

was published on

12/19/96

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

12/20/96

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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